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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,014	04/17/2001	Robert Veilleux	186.013US1	7009

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/836,014	Applicant(s) VEILLEUX ET AL.	
	Examiner Yvonne M. Horton	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #867,963 to HERSHEY in view of US Patent #4,156,995 to ZUSMAN. Regarding claims 1 and 14, HERSHEY discloses the claimed invention a structural wooden joist (20) comprising an elongated lower/first chord (24), an elongated upper/second chord (22) in a spaced apart generally parallel opposed relation to the lower chord (figure 7), an openwork web structure joining the chords, the web structure comprising a series of connector members (at 28) formed of inclined branches (28 and 28A) consisting of at least two, column 3, lines 7-11, rectangular planks having opposing side faces/first and third ends and opposing edges/second and fourth ends and are adhesively secured to the lower and upper chords (column 4, lines 21-26), each

inclined branch of the connector members being adhesively joined to one another (column 4, lines 38-44), the connector members forming V-shaped structural elements (28, 28A and 28 and 28B - figure 1) with a single connection to the lower chord such that each connector member (28, 28A/B) is connected by one gusset individually on each side of vertical webs similar to (102), see figure 10; and two connections to the upper chord (see attached figure 1), the structural elements defining a series of triangular openings in the web structure (figure 7). Although HERSHEY details that his upper and lower chords are adhesively joined, he is silent with regards to how his connector members are joined. ZUSMAN teaches that it is known in the art to adhesively secure two connector members (17) along the ends. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to adhesively secure a double connector by the ends, as taught by ZUSMAN, in order to further strengthen the structure. In reference to claim 2, each of the opposite ends of the web structure displays a laminated panel (30A, 34A/B, 50) the panels are a series of vertical planks having upper and lower sides joined to upper and lower chords (22, 24). Regarding claim 3, each of the connector members at the opposite end of the web structure is adhesively joined to a chord member and to an innermost plank (30A, 30B) of the laminated panel (34A, 34B, 50). In reference to claim 4, the connector members of the web structure have upper and lower edges secured to the chords by finger joints (column 4, lines 23-26). Regarding claim 5, the planks (74) of the connector member of the laminated panels are glued edgewise to one another (column 7, lines 4-9). In

FIG. 10

Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #5,867,963 to HERSHEY in view of US Patent #4,156,995 to ZUSMAN. HERSHEY discloses the claimed invention as stated above in claim 1, except for the planks are made of kiln dry wood, the fibers of the planks extend in the longitudinal direction, and each connector member extends obliquely at about 350 and 420 relative to the chords for a joist having a height of about 9.25 and 1 1.25 inches. Regarding claim 9, in apparatus claims, the method of drying the wood is not germane to the issue of patentability of the device itself. Hence, the process of kiln drying the wood has not been given patentable consideration. In reference to claim 10, the wood of HERSHEY

is selected from the group including fir, spruce and pine (column 4, lines 13-15).

Regarding claim 11, it would have been obvious to one having ordinary skill in the art at the time the invention was made to extend the fibers of the planks in the longitudinal direction as the 2x4 extends within the longitudinal direction. In reference to claims 12 and 13, it, too, would have been an obvious to one having ordinary skill in the art at the time the invention was made to select a specific degree to extend the connector members and to select a specific joist height suitable for the use intended as a matter of design choice. For instance, if the joist were being used to form tracks on a roller coaster, perhaps the height would be much larger than the height used for the joist in a residential home.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the newly revised ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne M. Horton
Art Unit 3635
3/20/06